

## REMARKS

The following remarks are provided in response to the Office Action dated April 6, 2004 in which the Examiner:

- rejected claims 1, 2, 4-8, 10-18, 21-26, and 28-33 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,396,497 to Reichlen.

The applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

### **35 U.S.C. §102(e)**

The Examiner rejected claims 1, 2, 4-8, 10-18, 21-26, and 28-33 under 35 U.S.C. §102(e) as being anticipated by Reichlen. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

To establish a *prima facie* case of anticipation under 35 U.S.C. §102, the Examiner must supply a single prior art document that alone teaches “. . . **every** aspect of the claimed invention either explicitly or impliedly.” (emphasis added) (See M.P.E.P. §706.02) If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicants' claims, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner's anticipation rejection, the applicant must only demonstrate that the cited prior art document fails to teach one element or limitation present in the claim.

The salient portion of currently amended independent claim 1 recites:

. . . a motion detection sensor to detect motion of the computing device in one or more of six (6) fields of motion and to generate a motion indication

if an **initial motion and a complementary motion in a different direction than the initial motion each exceed a motion threshold**  
(emphasis added)

Currently amended independent claims 18 and 26 recite a similar limitation. The applicant further points out that original claim 33 is an independent claim that recites a similar limitation. Dependent claims 7 and 8 are herein canceled.

The Examiner relies on column 8, lines 25-45 and column 13, lines 17-50 of Reichlen to teach a motion detection sensor to generate a motion indication if an initial motion and a complementary motion exceed a motion threshold. The applicant respectfully disagrees. Column 8, lines 25-45 describe a smoothing algorithm and a “stick” function to freeze the view window until a movement threshold has been exceeded. Column 13, lines 17-50 describe a loop during which, among other functions, the respective sums of yaw and pitch changes are compared to a threshold. The applicant points out that Reichlen discloses that if either the yaw sum or the pitch sum individually exceeds a threshold, then the screen image moves in the direction of the sum that exceeded the threshold (e.g., vertically for pitch and horizontally for yaw). **The yaw and pitch taught by Reichlen operate independently.** The applicant asserts that the cited portions of Reichlen do not teach the combination of **both an initial motion and a complementary motion in a different direction than the initial motion each exceeding a threshold** as recited by independent claim 1. The applicant respectfully affirms that independent claim 1 recites at least an element not anticipated by Reichlen. Accordingly, the applicant respectfully requests that the Examiner allow currently amended independent claims 1, 18, 26, and 33. The applicant further requests that the Examiner allow dependent claims 2, 4-6, 10-17, 21-25, and 28-32 as each depends on a

patentable independent claim.

**CONCLUSION**

For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.


Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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Dated

7/6/04

  
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